64TH CONGRESS, *1st Session.* } HOUSE OF REPRESENTATIVES. { REPORT No. 920.

DECLARATIONS OF INTENTION TO BECOME CITIZENS.

JULY 5, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. RAKER, from the Committee on Immigration and Naturalization, submitted the following

REPORT.

[To accompany S. 4594.]

The Committee on Immigration and Naturalization, to whom was referred the bill (S. 4594) to validate certain declarations of intention to become citizens of the United States, having had the same under consideration recommend that the bill be amended as follows:

On page 2, line 4, after the word "six" and before the colon, insert the following: "and that the petitions for naturalization dismissed on account of such invalidity in the declaration of intention shall be given a rehearing without additional cost upon informal application therefor by the candidate for citizenship to the clerk of court upon notice to the Bureau of Naturalization."

On page 2, line 6, after the word "legalized," insert the following: "and that this act shall apply only to those persons who have heretofore made homestead, desert land, or timber and stone entries."

As thus amended the committee recommends that the bill do pass.

The bill as thus amended is as follows:

[S. 4594, Sixty-fourth Congress, first session.]

AN ACT To validate certain declarations of intention to become citizens of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That declarations of intention to become citizens of the United States filed prior to the passage of this act in the counties of Cascade, Chouteau, Teton, Hill, Blaine, and Valley, State of Montana, under the act approved June twenty-ninth, nineteen hundred and six, entitled "An Act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," as amended by the Acts of March fourth, nineteen hundred and nine, June twenty-fifth, nineteen hundred and ten, and March fourth, nineteen hundred and thirteen, are hereby declared to be as legal and valid as if such declarations of intention had been filed in the judicial district in which the declarants resided, as required by section four of said act of June twenty-ninth, nineteen hundred and six, and that the petitions for naturalization dismissed on account of such invalidity in the declaration of intention shall be given a rehearing without additional cost, upon informal application therefor by the candidate for

citizenship to the clerk of court upon notice to the Bureau of Naturalization: *Provided*, That such declarations of intention shall not be by this act further validated or legalized, and that this act shall apply only to those persons who have heretofore made homestead, desert land, or timber and stone entries.

The bill having been referred to the Department of Labor, and thereafter, on June 23, 1916, the said Department of Labor made report thereon, which report is, in words and figures, as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 23, 1916.

MY DEAR CONGRESSMAN: Your letter of the 17th instant containing Senate bill 4594, to validate certain declarations of intention to become citizens of the United States heretofore made by aliens in the counties of Cascade, Chouteau, Teton, Hill, Blaine, and Valley, in the State of Montana, under the naturalization act approved June 29, 1906, has been received.

From the records of the Bureau of Naturalization it appears that a number of aliens, many of them Canadians in farm wagons, came across the border to take up homesteads in Montana and that in some instances the aliens declared their intention at the first naturalization court they could reach and established their residence subsequently in some other of the counties named upon public land.

These declarations of intention were used in all cases, or at least in a large number of instances, in support of these entries on the public lands in Montana. These homesteaders or occupants of public land have in many cases complied with all the requirements of the land laws save that of becoming citizens, and the perfection of their claims is now contingent upon their naturalization.

Many of them have filed petitions for naturalization, but these petitions have been denied on the ground that the declarations were filed in a judicial district other than that in which the aliens resided. The filing of the declarations in courts having no jurisdiction was due in part to the ignorance of the declarants and also to lack of proper advice on the part of the clerks of courts taking their declarations of intention. The bill is to validate the declarations so made, and for no other purpose.

I would urge that the bill be amended so as to limit it to those holding land entries and that it in terms include the petitions for naturalization which have been filed by land claimants and been denied by the court at the hearing of the petition because of this invalidity in the declaration. The following amendments will fully accomplish the evident purpose of the bill when inserted on page 2 at the points indicated.

In line 4, after the word "six" and before the colon insert "and that the petitions for naturalization dismissed on account of such invalidity in the declaration of intention shall be given a rehearing without additional cost, upon informal application therefor by the candidate for citizenship to the clerk of court and upon notice to the Bureau of Naturalization."

In line 6, after the word "legalized," insert "and that this act shall apply only to those persons who have heretofore made homestead, desert-land, or timber-culture entries."

Without the first amendment many of the land claimants would not be included who belong to the number having such invalid declarations of intention as they have proceeded promptly to file their petitions for naturalization, only to find them insufficient for the purposes intended by reason of nonresidence. The seven-year limitation will have run against many of these, and unless their petitions for naturalization as originally filed may be given a rehearing by the act, the relief sought to be extended will fail to reach them. The second amendment shows that the act is for the benefit only of those who have undertaken to develop some of the resources of the great western country.

As an unnecessary hardship will be imposed upon these aliens by denial of their land claims, and as it does not seem to be establishing a precedent, since the Bureau of Naturalization knows of no other similar instance of like hardship, I recommend the passage of the bill with the amendments herein submitted.

Yours, very truly,

J. B. DENSMORE,
Acting Secretary.

Hon. JOHN L. BURNETT,
Representative in Congress, Washington, D. C.

The bill having been referred to the Department of the Interior, Hon. Franklin K. Lane, Secretary of the Interior, made report thereon to the Committee on Immigration and Naturalization on July 1, 1916, which report is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, July 1, 1916.

Hon. JOHN L. BURNETT,
Chairman Committee on Immigration and Naturalization,
House of Representatives.

MY DEAR MR. BURNETT: I am in receipt of your favor of the 23d ultimo, asking my views in connection with Senate act 4594, to validate certain declarations of intention to become citizens, executed in six named counties in the State of Montana, outside of the judicial districts in which the various declarants resided. You invite attention also to the amendment (noted on the printed copy of the bill) offered by Judge Raker, and inclose copy of a favorable report on the measure submitted by the Senate Committee on the Judiciary.

The correspondence and other records in this department indicate that a number of persons immigrating to Montana a few years ago—many of them from Canada—at once filed applications for public lands, and, as the preliminary step, executed their declarations of intentions at the same places where they signed their entry papers; that they thereupon proceeded to their claims, many of which lay in other counties, and resided there, as required by law. It appears that when they applied for naturalization to the courts of the counties of their residence their petitions were denied upon the ground that the declarations had not been executed within the judicial districts within which they had been residing at the time, as stipulated by the act of June 29, 1906. These people appear to have acted in perfect good faith and under erroneous advice as to the law so far as our records show.

For their relief, in the matter of now securing citizenship without the delay incident to execution of new declarations, and also in order that their entries for public lands may be fully validated in this respect, I consider it equitable and proper that the bill be enacted into law.

As to Judge Raker's proposed amendment—wherein the words "timber culture" appear to be used inadvertently for "timber and stone"—the effect of its adoption would be to limit the relief to persons who have pending claims for public lands. This department does not appear to have any jurisdiction in connection with naturalization of the persons whom this amendment would exclude from the benefits of the act, and I therefore express no opinion as to the propriety of thus amending it.

Answering your inquiry whether there have been enacted in the past bills to authorize extensions of time for submitting final proof in specific cases, or whether this department has under general law authority to grant such extensions, I would say that I do not recall any private legislation of the character indicated. A general law, which has been applied in such cases, is found in sections 2450 and 2451, United States Revised Statutes, which as amended by the act of February 27, 1877, read as follows:

"SEC. 2450. The Commissioner of the General Land Office is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be settled by the Secretary of the Interior, the Attorney General, and the commissioners, conjointly, consistently with such principles, all cases of suspended entries of public lands, and of suspended preemption land claims, and to adjudicate in what cases patent shall issue on the same.

"SEC. 2451. Every such adjudication shall be approved by the Secretary of the Interior and the Attorney General, acting as a board; and shall operate only to divest the United States of the title of the lands embraced thereby, without prejudice to the rights of conflicting claimants."

The board of equitable adjudication thus constituted, on April 10, 1890, promulgated their rule No. 32 (amended Oct. 17, 1910), providing for the validation of homestead entries where the claimant, through ignorance of law, did not perfect his citizenship until after the submission of final proof. Acting under said rule, this department permits such submission shortly before the expiration of the statutory period allowed therefor (seven years on old entries, five years on those made after June 6, 1912), notwithstanding the homesteader's inability to show full citizenship, patent being withheld, however, until naturalization has been secured.

I am of the opinion, however, that, in the class of cases covered by the present bill, it would not be equitable to impose upon the parties the hardships incident to a postponement for two years of the issuance of final certificates and patents. It does not appear necessary at this time to refer to these hardships in detail, though the inability

of a claimant without a patent to borrow money on the security of the land upon favorable terms is one of the most apparent.

I, therefore, think that these parties should not be relegated to the relief last indicated and recommend that the measure be enacted into law.

Very truly, yours,

FRANKLIN K. LANE, *Secretary.*

The committee held full hearings on said bill (S. 4594), at which time Hon. H. L. Myers and others appeared. The following letter from Senator Myers fully explains the objects and purpose of the bill:

UNITED STATES SENATE,
COMMITTEE ON PUBLIC LANDS,
Washington, D. C., June 2, 1916.

MY DEAR MR. BURNETT: On May 31, 1916, I succeeded in getting through the Senate S. 4594, to validate certain declarations of intention to become citizens of the United States. I inclose you herewith copy of the bill and Senate report thereon.

The bill only affects certain homestead settlers in the northern part of Montana. These settlers, several hundred of them, in the northern counties of the State by reason of improper information took out their first citizenship papers at points without the judicial district in which they afterwards resided. As a result, when it came time for them to apply for their final papers the court refused to issue the same upon the ground that they had not been living in the district in which they made their first application.

When these homesteaders submitted their final proof upon their homesteads it was denied to them because they could not show their citizenship papers. In many cases the statutory time for making proof has about expired, and to take out their papers anew would not only be a serious inconvenience to them but would require action by the Interior Department in the nature of suspending all of the entries until they could comply with the law.

In the report there appears but a partial list of settlers filing petitions for naturalization which have been refused owing to the above-described unfortunate situation. In this list, however, you will note that many of the applications were filed in 1909 and therefore the statutory term of seven years under the five-year homestead law expires with the present year

I am therefore very anxious to obtain the speedy enactment of this bill, if possible. It means a great deal to these settlers in the matter of being permitted to promptly obtain title to their homesteads. There is no question as to their bona fide settlement and the fact that they are good American citizens. Unfortunately, however, they applied for their first papers outside of the jurisdiction where they subsequently decided to reside.

If you can in any way assist me in the matter of getting this bill reported and passed I shall consider it a great favor.

Yours, cordially,

H. L. MYERS.

Hon. JOHN L. BURNETT,
Chairman Committee on Immigration and Naturalization,
House of Representatives.

Similar acts have been passed to give similar relief as provided in the pending legislation. (See acts of Jan. 29, 1906, 34 U. S. Stat., 630; May 27, 1910, 36 U. S. Stat., 448; Aug. 24, 1912, 37 U. S. Stat., 487; June 23, 1913, 38 U. S. Stat., 75.)

After full and careful hearing and consideration, the committee is of the opinion that the bill should pass.

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